

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOAN HARVEY,

CASE NO. 1:23 CV 2662

Plaintiff,

v.

DELTA AIR LINES, INC.,

Defendant.
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**DECLARATION OF MICHAEL DIGIULIO IN SUPPORT OF PLAINTIFF’S
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Michael DiGiulio declares under penalty of perjury pursuant to 28 U.S.C. § 1745 that:

1. I submit this declaration in support of Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment under Federal Rule of Civil Procedure 56.
2. I am an attorney with Joseph & Kirschenbaum LLP (“JK”), Plaintiff’s counsel in this action. I am familiar with the facts and circumstances set forth herein.
3. Attached hereto as **Exhibit 1** a true and correct copy of excerpts from the transcript of the October 25, 2023 deposition of Plaintiff Joan Harvey.
4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the November 3, 2023 deposition of Peter Corrao.
5. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the transcript of the October 30, 2023 deposition of Lauren Harps.
6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the transcript of the November 2, 2023 deposition of Judith Passman.
7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the November 27, 2023 deposition of David Gilmartin.

8. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the transcript of the November 9, 2023 deposition of James Brimberry.

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the transcript of the November 6, 2023 deposition of Krishadath Sooknanan.

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from Delta's Alcohol Policy and Alcohol Misuse Prevention Program ("Alcohol Policy"), produced in this Action bearing bates stamp numbers Delta 000896-000910.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the Flight Attendant Performance Development Chart ("FA Chart"), produced in this Action bearing bates stamp numbers Delta 001076-001080, and disciplinary documents for a flight attendant ST ("ST Docs"), produced in this Action bearing bates stamp numbers Delta 001066-001069. These documents were produced by Defendant with the designation of "Confidential-Attorneys' Eyes Only." Pursuant to an agreement with Defendant, Plaintiff's attorney redacted the names of the individuals in these documents to protect the privacy of the individuals described therein. In the FA Chart, Plaintiff's attorney has designated a number to correspond with each separate individual. In the ST Docs, Plaintiff's attorney has redacted the individual's name to protect their privacy. In addition, Plaintiff's attorneys reviewed the information in Delta 001076-001080 and created a summary chart reflecting true and correct information from Delta 001076-001080. Plaintiff has included this summary chart on page 7 of the exhibit.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the SRS Statement prepared by Plaintiff October 20, 2021 ("Plaintiff's SRS Statement"), produced in this Action bearing bates stamp numbers Delta 001082-001084.

13. Attached hereto as **Exhibit 11** is a true and correct copy of emails related to the investigation of Plaintiff's alcohol policy violation, ("Emails"), produced in this Action bearing bates stamp numbers Delta 000430-Delta 000433.

14. Attached hereto as **Exhibit 12** is a true and correct copy of documents related to Plaintiff's work performance ("Plaintiff's Performance Records"), produced in this Action bearing bates stamp numbers Delta 000178-000180, 000199-000211.

15. Attached hereto as **Exhibit 13** is a true and correct copy of documents related to Delta's Equal Opportunity Office and Plaintiff's appeal of her termination, produced in this Action bearing bates stamp numbers Delta 000385-000388, 000393-000394, 000541-000542, 000600-000604.

16. During discovery in this litigation, Defendant refused to produce nationwide data regarding disciplinary actions for flight attendants for alcohol policy violations and only produced limited New York-based flight attendant disciplinary data.

Dated: New York, New York
April 22, 2024

JOSEPH & KIRSCHENBAUM LLP

By: /s/ Michael DiGiulio
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